

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NORTHEASTERN DIVISION

MAXWELL KREMER,

Plaintiff,

v.

REDDIT, INC.,

Defendant.

Case No. 2:21-cv-00038

Chief Judge Waverly D. Crenshaw, Jr.
Magistrate Judge Alistair E. Newbern

MEMORANDUM ORDER

Pro se Plaintiff Maxwell Kremer alleges that Defendant Reddit, Inc., has harmed him by violating applicable copyright and trademark laws. (Doc. No. 1.) On September 23, 2021, Reddit filed a motion to dismiss Kremer's complaint under Federal Rule of Civil Procedure 12(b)(6). (Doc. No. 8.) The Court ordered Kremer to file any response in opposition to the motion no later than fourteen days after being served with the motion. (Doc. No. 13.) On October 1, 2021, Kremer filed a motion to strike Reddit's motion to dismiss (Doc. No. 14), but has not otherwise responded to that motion. Reddit has filed a motion asking the Court to treat Kremer's motion to strike as a response to its motion to dismiss and for leave to file a reply brief in further support of its motion (Doc. No. 16). For the reasons that follow, Kremer's motion to strike will be denied. The Court will construe Kremer's motion to strike as a response to the pending motion to dismiss and will grant Reddit's motion for leave to file a reply.

Federal Rule of Civil Procedure 12(f) provides that the Court may "strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter." Fed. R. Civ. P. 12(f). "Motions to strike are viewed with disfavor and are not frequently granted." *Operating Eng'rs Local 324 Health Care Plan v. G & W Constr. Co.*, 783 F.3d 1045, 1050 (6th

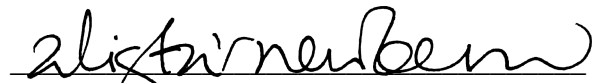
Cir. 2015); *see also Brown & Williamson Tobacco Corp. v. United States*, 201 F.2d 819, 822 (6th Cir. 1953) (“[T]he action of striking a pleading should be sparingly used by the courts . . . [and] is a drastic remedy to be resorted to only when required for the purposes of justice.”). This reluctance to strike pleadings stems from “the practical difficulty of deciding cases without a factual record . . .” *Brown & Williamson Tobacco Corp.*, 201 F.2d at 822, and the potentially “dilatory and often harassing character” of a motion to strike, 5C Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1381 (3d ed. updated Apr. 2021).

Kremer’s motion to strike will be denied because Rule 12(f) provides a basis for striking pleadings, not motions. *See* Fed. R. Civ. P. 12(f); *see also* Fed. R. Civ. P. 7(a) (defining “pleadings” to include a complaint, a third-party complaint, an answer to a complaint, counterclaim, crossclaim, or third-party complaint, or a reply to an answer). However, because Kremer’s motion to strike addresses arguments raised in Reddit’s motion to dismiss, and because Kremer has not otherwise responded to that motion, the Court will liberally construe the motion to strike as Kremer’s response in opposition to the motion to dismiss. *See Goodman v. Nationstar Mortg., LLC*, No. 3:13-1377, 2014 WL 12774977, at *1 (M.D. Tenn. Mar. 20, 2014) (denying plaintiff’s motion to strike defendant’s motion to dismiss but, “to the extent that the plaintiff’s motion sets forth her objections to the motion to dismiss,” construing it as her response in opposition to that motion).

Accordingly, Kremer's motion to strike Reddit's motion to dismiss (Doc. No. 14) is DENIED. Reddit's motion for leave to file a reply in further support of its motion to dismiss and to treat Kremer's motion as a response (Doc. No. 16) is GRANTED. The Clerk of Court is DIRECTED to file Reddit's proposed reply (Doc. No. 16-1) as a separate docket entry.

Reddit's motion to dismiss (Doc. No. 8) remains pending.

It is so ORDERED.


ALISTAIRE. NEWBERN
United States Magistrate Judge